

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 2, 2005  
Tuesday, 9:09 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Reverend Diane Monger, Presbyterian, Inter-Faith Ministries, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the July 26, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamation

National Clown Week.

Mayor Mayans read a proclamation recognizing National Clown Week.

PUBLIC AGENDA

Phil Ray

Phil Ray-Discussion regarding the public golf courses.

Mr. Ray was not present.

CONSENT AGENDA

Motion--carried

Mayans moved that the Consent Agenda items be approved as presented. Motion carried 7 to 0.

**BOARD OF BIDS****REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED , AUGUST 1, 2005.**

Bids were opened July 29, 2005, pursuant to advertisements published on:  
PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2005 Contract Maintenance Ultra-thin Asphalt Overlay (various locations south of 21st Street North, west of Rock Road. 472-84157/132718/665546) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V, & VI)

Ritchie Paving - \$878,000.00 (Engineer's estimate)

2005 Condemned Sidewalk and Wheelchair Ramps - -north of 55th Street South, east of 135th Street West. (472-84247/132100/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V, & VI)

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P P & J Construction - \$162,795.00 (Engineer's estimate)

2005 Sanitary Sewer Reconstruction Phase 8 - various locations north of Harry, west of Oliver. (468-84037/620434/665558) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$157,000.00

Water Distribution System to serve North Ridge Village Addition - north of 37th Street North, west of Ridge. (448-90062/735258/470929) Does not affect existing traffic. (District V)

Padgett Excavation - \$36,912.50

Water Distribution System to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (448-90014/735252/470923) Does not affect existing traffic. (District V)

Padgett Excavation - \$52,546.85

Storm Water Drain #201 to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (468-83598/751400/485291) Does not affect existing traffic. (District V)

Mies Construction - \$91,881.25 (Base bid)  
\$ 799.00 (Alternate 1)  
\$92,680.25 (Aggregate bid total)

2005 Contract Maintenance Street Rehabilitation - 42nd Street North, Cobblestone, and 41st Street North. (472-84159/132718/) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Cornejo & Sons Construction - \$75,451.40 (Engineer's estimate)

Northwest Riverside Water Main Replacement - north of 13th Street North, east of Hood. (448-89815/634027/773198) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Duling Construction - \$619,975.00

Motion-- Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

FIRE DEPARTMENT/SAFETY DIVISION: Leather Boots.

\$39,225.00\* (Base bid/Group 1)  
\*Estimate – Contract approved on unit cost basis.

Motion-- Mayans moved that the contract be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

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## LICENSES

### APPLICATION FOR LICENSE.

#### Renewal Adult Entertainment

David A. Cherry                      Kansas Video Corp d/b/a Video Adventures                      2726 North Amidon

Motion--  
--carried

Mayans moved that the licenses subject to staff review and approval be approved. Motion carried 7 to 0.

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

New Operator                      2005                      (Consumption on Premises)

Marijo Taylor                      Taco Tico Operations, Inc.\*                      3131 North Rock Road

Motion--  
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a) Kellogg (US 54)/Rock Road Interchange, Misc. Improvements along north frontage road near Bonnie Brae Street, north of Kellogg, east of Rock Road. (472-84236/702344/702344) Does not affect existing traffic. (District II)-\$60,000
- b) 2005 Sanitary Sewer Reconstruction, Phase 7 to serve Planeview Addition - east of Roosevelt, north of Roseberry. (468-84036/620436/665556). Traffic to be maintained during construction using flagpersons and barricades. (District III)-\$245,000
- c) Water Distribution System to serve Regency Park Third Addition - south of 29th Street North, west of Greenwich. (448-90089/735265/470936). Does not affect existing traffic. (District II)-\$24,000
- d) Water Distribution System to serve Hawthorne Third Addition, north of 21st Street North, east of 127th Street East. (448-89995/735262/470933). Does not affect existing traffic. (District II)-\$56,000
- e) Lateral 6, Main 12 Four Mile Creek Sewer to serve Hawthorne Third Addition, north of 21st Street North, east of 127th Street East. (468-83873/744129/480817). Does not affect existing traffic. (District II)-\$116,000
- f) Lateral 45 Cowskin Interceptor Sewer to serve Southern Ridge Third Addition, south of Pawnee, west of Maize. (468-83965/744128/480816). Does not affect existing traffic. (District V) \$96,835
- g) Water Distribution System to serve Southern Ridge Third Addition, - south of Pawnee, west of Maize) (448/90052/735261/470932). Does not affect existing traffic. (District V)-\$45,000
- h) Storm Water Drain #264 to serve Avalon Park Addition, - north of 37th Street North, east of Maize. (468-84011/751401/485292). Does not affect existing traffic. (District V)-\$158,100
- i) Storm Water Drain #265 to serve Avalon Park Addition (north of 37th Street North, east of Maize) (468-84012/751402/485293). Does not affect existing traffic. (District V)-\$212,300

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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## DEEDS & ESMNTS

### DEEDS AND EASEMENTS:

- a) Utility Easement dated June 15th, 2005 from Mona Stein, Operating Partner, Dinning-Beard Investment Group, L.L.C. over a tract of land lying in parts of Reserve "A", Lot 1, Lot 2, and Lot 4, all in Block 1, The Executive at White Tail Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- b) Utility Easement dated May 27th, 2005 from Unified School District 259 over a tract of land lying in Lot 1, Block E, Orient Industrial Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- c) Utility Easement dated May 27th, 2005 from Unified School District 259 over a tract of land lying in Lot 1, Planeview School Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- d) Amended and Restated Utility Easement from NewMarket Square, LTD dated June 17th, 2005 over tracts of land lying in Lot 1, Block 1, NewMarket Square, an Addition to Wichita, Sedgwick County, Kansas, (OCA 607861). No Cost to City
- e) Drainage Easement dated July 8th, 2005 from Presbyterian Manors, Inc., over a portion of Lot 1 of Synod Addition to Wichita, Sedgwick County, Kansas (OCA# 660508) No Cost to City.

Motion--carried

Mayans moved that the documents be accepted. Motion carried 7 to 0.

## BOARD MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Housing Advisory Board, May 18, 2005  
District III Advisory Board, June 1, 2005  
Wichita Employees' and Police & Fire Retirement Board, June 2, 2005  
Board of Code Standards and Appeals, June 6, 2005  
Wichita Airport Advisory Board, June 6, 2005  
Wichita Employees' and Police & Fire Retirement Board, special  
joint investment committee, June 13, 2005  
Board of Park Commissioners, June 13, 2005  
Board of Electrical Appeals, June 14, 2005  
District II Advisory Board, June 20, 2005  
Wichita Public Library, monthly report, June 2005  
Design Council, July 21, 2005

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

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## SETTLEMENT

### SETTLEMENT OF LAWSUIT, GARVER CONSTRUCTION V. CITY OF WICHITA, PEC AND ALLIED LABS.

Agenda Report No. 05-0714

The plaintiff was the low bidder and contractor for the construction of Phase 3 of the War Industries Relief Line for the Sewer Utility. This job was bid in early 2001 and the contractor finished the job in the summer of 2002. During the job the contractor experienced considerable difficulty in tunneling through the subsurface and this caused additional expenses to the contractor and a delay in the completion of the project. After the project was completed the City became aware that there was a sag in a portion of the line as constructed.

The plaintiff sued the City, Professional Engineering Consultants and their subsidiary, Allied Labs, for damages resulting from what they contend were negligent misrepresentations made by the defendants concerning the subsurface conditions throughout the project site. Damages sought by the plaintiff exceed \$2.7 million dollars.

The City has retained outside legal counsel to handle this litigation. It has also retained expert witnesses to testify concerning the reasonableness of the plans and specifications issued by the City for the sewer project. Trial of this matter is set for January 2006. It is estimated that the legal and expert witness expenses that will be incurred by the City in preparing for and conducting the trial will exceed \$85,000. The plaintiff, after a mediation involving all the parties, has agreed to accept \$625,000 in full settlement of all its claims. PEC will pay \$325,000 toward that settlement and the City will pay the remaining contract balance that it has held pending resolution of this matter in the amount of approximately \$212,000 and an amount necessary to bring the total paid by the City to \$300,000 (an additional amount of approximately \$88,000). In addition, the City will waive any claims it might have against the plaintiff for the fact that a portion of the sewer line is out of specification because of a slight sag.

The additional monies to be paid by the City (approximately \$88,000) will come from the Sewer Utility Fund.

The Law Department recommends acceptance of the plaintiff's offer of settlement of this lawsuit.

Motion--

Mayans moved that the settlement be approved; the payment of the contract retainage to the plaintiff (approximately \$212,000) and such additional sum (approximately \$88,0900) as necessary to make the total payment to the plaintiff equal \$300,000 authorized. Motion carried 7 to 0.

--carried

## GOULD EVANS

### GOULD EVANS TO DEVELOP THE ARENA NEIGHBORHOOD REDEVELOPMENT PLAN. (DISTRICT I)

Agenda Report No. 05-0715

The City is partnering with Sedgwick County and the Wichita Downtown Development Corporation in formulating an Arena Neighborhood Redevelopment Plan. On June 21, 2005, the City Council approved the selection of Gould Evans to undertake the preparation of this Plan and authorized staff to negotiate a not-to-exceed contract of \$250,000 to perform the work. A 19-member steering committee representing area and city stakeholders has been appointed by the City Manager to oversee the development of the Plan. The consultant will work closely with the steering committee, area stakeholders, residents, landowners, business representatives and the community at-large to build consensus in the development of this Plan.

A contract for professional services has been negotiated with Gould Evans in the amount of \$249,500 to perform all services required to properly develop the Arena Neighborhood Redevelopment Plan.

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Funding for this project has been identified in the 2005-2014 Capital Improvement Program.

The contract has been reviewed and approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the contract with Gould Evans be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **WOODLAND LAKES     STAKING IN WOODLAND LAKES ESTATES THIRD ADDITION, SOUTH OF LINCOLN, WEST OF 127TH STREET EAST. (DISTRICT III)-SUPPLEMENTAL.**

Agenda Report No. 05-0716

The City Council approved the storm drainage improvements in Woodland Lakes Estates 3rd Addition on March 18, 2003. On April 19, 2005 the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to PEC will be on a lump sum basis of \$17,000, and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **AVALON PARK     CONSTRUCTION ENGINEERING AND STAKING IN AVALON PARK ADDITION, NORTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)-SUPPLEMENTAL.**

Agenda Report No. 05-0717

The City Council approved the water distribution system and sanitary sewer improvements in Avalon Park Addition on September 9, 2003. On June 7, 2005 the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering and staking for this project.

Payment to PEC will be on a lump sum basis of \$42,400, and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## FOX RIDGE ADD.

### **FOX RIDGE ADDITION, NORTH OF 29TH STREET NORTH, WEST OF TYLER, DISTRICT II)**

Agenda Report No. 05-0718

The City Council approved the water distribution system, sanitary sewer, storm drainage, and paving improvements in Fox Ridge Addition on April 26, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design and construction engineering of bond financed improvements consisting of water, sanitary sewer, storm drainage, and paving in Fox Ridge Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$135,300, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## HAWTHORNE

### **HAWTHORNE THIRD ADDITION, NORTH OF 21ST STREET, EAST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 05-0719

The City Council approved the water distribution system, sanitary sewer, and paving improvements in Hawthorne 3rd Addition on March 1, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of water, sanitary sewer, and paving in Hawthorne 3rd Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$30,200, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## NORTH RIDGE

### **NORTH RIDGE VILLAGE ADDITION, NORTH OF 37TH STREET NORTH, WEST OF RIDGE. (DISTRICT II)**

Agenda Report No. 05-0720

The City Council approved the water distribution system, sanitary sewer, storm drainage, and paving improvements in North Ridge Village Addition on March 22, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water, sanitary sewer, storm drainage, and paving in North Ridge Village Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

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Payment to MKEC will be on a lump sum basis of \$98,200, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## REED'S COVE

### **REED'S COVE ADDITION, SOUTH OF 21ST STREET, EAST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 05-0721

The City Council approved the water distribution system, storm drainage, and paving improvements in Reed's Cove Addition on June 14, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water, storm drainage, and paving in Reed's Cove Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$23,100, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## AVALON PARK

### **AVALON PARK AND AVALON PARK THIRD ADDITIONS, NORTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT II)**

Agenda Report No. 05-0722

The City Council approved the storm water drainage improvements in Avalon Park & Avalon Park 3rd Additions on May 17, 2005.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of storm water drainage in Avalon Park & Avalon Park 3rd Additions. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$27,900, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.



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## **MCEVOY/E. LYNNE     MCEVOY AND EAST LYNNE ADDITIONS, SOUTH OF HARRY, WEST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 05-0723

The City Council approved the sanitary sewer improvements in McEvoy & East Lynne Additions on June 7, 2005.

The proposed Agreements between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond-financed improvements consisting of sanitary sewer in McEvoy & East Lynne Additions. Per Administrative Regulation 7a, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to R&B will be on a lump sum basis of \$52,000, and will be paid by special assessments.

The Agreements have been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreements be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## **WESTAR ENERGY     CHANGE ORDER AND WESTAR ENERGY COMPANY PAYMENT: HOOVER ROAD IMPROVEMENT, SOUTH OF 31ST STREET SOUTH TO HARRY. (DISTRICT IV)**

Agenda Report No. 05-0724

On August 19, 2003, the City Council approved a construction contract for \$7.3 million with Ritchie Paving, Inc. to improve 2.3 miles of Hoover, from south of 31st Street South to Harry. During construction of the project, a number of unforeseen items developed that should be addressed as a Change Order as follows:

1. Traffic signal modifications at the intersection of K-42 and Hoover. The extremely large size of the intersection requires additional vehicular detection equipment in order to optimize the traffic signal timing. \$57,000.
2. Additional erosion control measures. \$36,835.
3. Install stamped asphalt in the median at Hoover, north of K-42, which was requested by Cessna Aircraft Company to enhance the appearance of the traffic corridor to their new manufacturing facility. \$19,165.
4. Pump station modification. \$5,545.
5. Sanitary sewer modifications. \$5,248.

These additional costs total \$123,793 offset by cost under runs of \$48,163.

In addition to the work by Ritchie Paving, the streetlights along Hoover, which are owned and maintained by Westar Energy, were installed at a cost of \$74,852.

A Change Order has been prepared for the additional work by Ritchie Paving, Inc. Funding for the change order and Westar Energy payment is available within the project budget. The funding source is a combination of County funds and Federal Grants.

The cost of the additional work by Ritchie Paving is \$75,630. The original contract is \$7,293,945. This Change Order plus previously approved Change Orders represent .02% of the original contract amount. The streetlight payment of \$74,852 will be made directly to Westar Energy.

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The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--  
--carried

Mayans moved that the Change Order be approved; the payment to Westar Energy authorized and the necessary signatures authorized. Motion carried 7 to 0.

## SEWAGE PLANT

### SEWAGE TREATMENT PLANT MODIFICATIONS-CHANGE ORDER.

Agenda Report No. 05-0725

The City awarded Utility Contractors, Incorporated a Contract in the amount of \$3,744,000 for the construction of new structures, and the rehabilitation of old structures and equipment at Sewage Treatment Plants 1 and 2. City Council approved Change Order No. 1 on June 7, 2005, which brought the Contract amount to \$4,123,263.

Change Order No. 2 is a combination of ten (10) proposed contract modifications (PCMs) for the Plant 1 project. The project has not been completed and it is expected that additional changes, both additive and deductive, will be required to successfully complete this project. All PCMs reflect either a reduction in cost, or added value to the City.

Change Order No. 2 is part of Capital Improvement Project (CIP S-523), Plant 1 Improvements. The proposed modifications result in a net decrease of \$21,741. The revised Contract will be \$4,101,522, which is \$357,522 more than the original Contract and represents a 9.55 percent increase.

Law has reviewed the Change Order and approved it as to form.

Motion--  
--carried

Mayans moved that Change Order No. 2 be approved and the necessary signatures authorized. Motion carried 7 to 0.

## PROP. ACQUISITION

### PARTIAL ACQUISITION OF 1129 NORTH MAIN AS A PORTION OF THE ABANDONED UNION PACIFIC RAIL CORRIDOR FOR THE MIDTOWN GREENWAY. (DISTRICT VI)

Agenda Report No. 05-0726

In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Ave. and Wichita Street to 15th Street and Broadway. Through this abandonment, rights to the corridor reverted to the adjacent property owners on both sides. The city has reviewed the former corridor and decided that it could be utilized to develop a greenway/linear park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. In April 2002, the City Council approved \$74,000 in CDBG funding to acquire portions of the abandoned Union Pacific corridor from Central to 15th St. from the adjacent owners.

Due to their size and configuration, the tracts being acquired are not developable by themselves. The majority of the tracts abut developed properties but lie outside the fenced, defined boundaries of the properties. The purchase price of similar tracts was reviewed to estimate market value. These amounts were offered to the adjacent property owners with several accepting the offers. The owner at 1129 North Main has agreed to sell to the city his portion of the Union Pacific Railroad tract consisting of 3,185 square feet at \$2,000.

A budget of \$2,250 is requested for the acquisition. This includes \$2,250 for the acquisition and \$250 for closing costs. The funding source is previously approved CDBG funds.

The Law Department has approved the contract as to form.

Motion--  
--carried

Mayans moved that the budget and real estate purchase contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## UNSAFE STRUCT.

### REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICTS I AND VI)

<u>Property Address:</u>	<u>Council District:</u>
a. 305 North Madison	I
b. 1304 North Piatt	I
c. 1308 North Piatt	I
d. 1308 ½ North Piatt	I
e. 2821 East 13th Street North	I
f. 1858 North Pennsylvania	I
g. 2444 North Minnesota	I
h. 2234 North Shelton	VI

Motion--

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on September 13, 2005 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

--carried

#### RESOLUTION NO. 05-384

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 10, Roll's Addition to Wichita, Sedgwick County, Kansas known as 305 North Madison may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure presented. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

#### RESOLUTION NO. 05-385

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 41, 43, 45 and 47, on Guy, now Piatt Avenue, Eleventh Street Addition to Wichita, Sedgwick County, Kansas. Known as 1304 North Piatt may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

#### RESOLUTION NO. 05-386

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 41, 43, 45 and 47 on Guy, now Piatt Avenue, Eleventh Addition to Wichita, Sedgwick County Kansas. Known as 1308 North Piatt may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

#### RESOLUTION NO. 05-387

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 41, 43, 45 and 47, on Guy, now Piatt, Eleventh Avenue, to Wichita, Sedgwick County Kansas. Known as 1308 ½ North Piatt may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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## RESOLUTION NO. 05-388

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the West Half of Lots 1, 3, 5 and 7, on Erie Avenue, Fairmont Park Addition to Wichita, Sedgwick County Kansas. Known as 2821 East 13<sup>th</sup> Street North may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure., presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-389

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 2 and 4, and half vacated alley on the east, on Pennsylvania Avenue, Karr's Addition to Wichita, Sedgwick County Kansas. Known as 1858 North Pennsylvania may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure., presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-390

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 7, Block 7, J. Walter Ross Addition to Wichita, Sedgwick County Kansas. Known as 2444 North Minnesota may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-391

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 1 and 3, on Shelton Avenue, Crawford Addition to Wichita, Sedgwick County Kansas. Known as 2234 North Shelton may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## **SENIOR MANAGMNT EXPENSE FOR SENIOR MANAGEMENT FOR MONTH OF JUNE 2005.**

Motion--carried      Mayans moved that the file be received. Motion carried 7 to 0.

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## ABATEMENTS

### NUISANCE ABATEMENT ASSESSMENTS.

Agenda Report No. 05-0728

The Department of Environmental Health supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinances allow the City to clean up or mow private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performs the work, and Environmental Health bills the cost to the property owner.

State law and city ordinance allow placement of the cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and Environmental Health is requesting permission for the Department of Finance to process the necessary special assessments.

Nuisance abatement and mowing contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City. Nuisance abatements to be placed on special assessment total \$71,355.57; weed mowing charges total \$17,826.12

These assessments are in accordance with Chapter 7.40.050 and 7.40.060 of the City Code.

Motion--  
--carried

Mayans moved that the proposed assessments be approved and the ordinances placed on first reading. Motion carried 7 to 0.

### ORDINANCE

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

### ORDINANCE

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

## POLICE PROPERTY

### ONLINE AUCTION OF UNCLAIMED POLICE PROPERTY-SELECTION OF VENDOR.

Agenda Report No. 05-0729

The Property and Evidence Section of the Police Department stores released property that has not been claimed by the public. The unclaimed property is sold at bi-annual auctions. The Property and Evidence Section stores the property until an auction is scheduled and the property is then moved to the auction site. The Police Benefit Fund is the recipient of all auction proceeds. Changing the auction process to an online auction will reach more individuals who will be able to bid on the items and may result in increased revenue.

One company responded to the general posting of the Request for Proposal #FP500050. The PropertyRoom.com operates an online auction service at the website, [www.propertyroom.com](http://www.propertyroom.com), exclusively for law enforcement agencies who sell property. Current Property and Evidence staff will continue to pull the released property from the warehouse and maintain it until it is picked up monthly by The PropertyRoom.com, which will transport the property to their facility. This process will reduce the storage needs for released property at the Police Property and Evidence Facility. In addition, PropertyRoom.com repairs and refurbishes many items in order to solicit higher bids for the items. Another service provided by PropertyRoom.com will be to return any stolen items that they have listed on their website if the property is identified by the owner. PropertyRoom.com also provides online tracking information so that the Department will know specifically where each piece of property is in

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the auction process and what has been sold. Payments from PropertyRoom.com will be made monthly on property that has been sold.

There will be no additional costs to the City associated with this process. PropertyRoom.com charges a percentage of the sale as their fee.

The Law Department will review and approve the contract as to form.

Motion--  
--carried

Mayans moved that the contract with PropertyRoom.com be approved and the necessary signatures authorized. Motion carried 7 to 0.

## POWER CDC

### **RESOLUTION CONSIDERING THE ADOPTION OF A REDEVELOPMENT PROJECT PLAN, POWER CDC GROCERY STORE PROJECT. (DISTRICT I)**

Agenda Report No. 05-0730

- In 1997, the City Council approved an ordinance establishing a Redevelopment District to provide tax increment financing for the development of a 60,000 s.f. supermarket. Due to the scope of the project being reduced, on October 21, 2003, City Council approved an Ordinance reducing the size of the district to its current boundaries. The developer currently proposes to develop a 15,000 s.f. grocery store on vacant property located on 13th Street between Grove and Poplar. Before any incremental tax revenues can be captured and paid to the City for such purposes, the City Council must adopt a redevelopment project plan, following notice and hearing, which provides details of the redevelopment project and the costs to be paid with tax increment financing.

K.S.A. 12-1772 prescribes the process the City must follow in adopting a redevelopment project plan for tax increment financing purposes. The City Council must first adopt a resolution stating it is considering the adoption of a redevelopment project plan and setting the time and place for a public hearing on the matter. The resolution must be mailed by certified mail to the owners and occupants of all property located within the district, as well as to the Board of County Commissioners and to the U.S.D. 259 Board of Education. The proposed time for the public hearing on the redevelopment project plan is 9:30 a.m. on Tuesday, September 13, 2005, in the City Council Chambers.

The redevelopment project plan will identify the project area (13th Street between Grove and Poplar) in which redevelopment project will occur, the specific costs to be paid with TIF revenues and the nature, scope and timing of the new facility to be developed as part of the redevelopment project. The redevelopment project plan will also include a detailed feasibility report that shows the sufficiency of TIF revenues and other project funding to pay all costs associated with the redevelopment project. Prior to the public hearing before the City Council, the Metropolitan Area Planning Commission will consider the redevelopment project plan and determine its consistency with the community's Comprehensive Plan.

The costs of mailing the Resolution to the property owners and occupants of property located within the district will be charged to the Power CDC Grocery Store project and ultimately paid by TIF revenues.

The form of the resolution has been approved by the Law Department.

Motion--  
--carried

Mayans moved that the Resolution declaring its intent to consider adoption of a redevelopment project plan for the Power CDC Grocery Store Project and setting September 13, 2005, as the date for a public hearing on the matter of the City be adopted. Motion carried 7 to 0.

### RESOLUTION NO. 05-402

A Resolution stating the City of Wichita is considering the adoption of a redevelopment project plan for the Power CDC Grocery Store Project in the Northeast Redevelopment District, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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## **ADJACENT PROJ.      COMBINE ADJACENT PROJECTS. (DISTRICT II)**

Agenda Report No. 05-0731

On April 15th, 2003, the City Council approved CIP W-846, 143rd Street East from Cardinal Lane to one-fourth mile south of Cardinal Lane; and W-847, 143rd Street East from Central to Siefkes. Both of these projects will provide service to accommodate growth in this area.

Staff is now ready to begin construction on the projects. Since one is adjacent to the other, and they are being done at the same time, it is more convenient and practical to construct them as one project and revise the project scope to include the construction of both projects.

Funds for these projects have already been approved: \$100,000 for CIP W-846 and \$250,000 for CIP W-847. Combining the funds into one project as CIP W-847, and closing the other project will not increase the CIP. CIP W-847, 143rd Street East from Cardinal to Central, will have available funds of \$350,000.

The Law Department has approved the Resolution as to form.

Motion--  
--carried

Mayans moved that the combining the projects into W-847 be approved; the amended Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

### **RESOLUTION NO. 05-403**

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$350,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## **ECONOMIC DEV.      APPLICATION FOR ECONOMIC DEVELOPMENT INITIATIVE FUNDS. (DISTRICTS I AND VI)**

Agenda Report No. 05-0732

The City was officially notified on April 29, 2005, that an Economic Development Initiative (EDI) grant for Wichita, in the amount of \$327,260, was included in the Consolidated Appropriations Act of 2005 (PL 108-447). The project description with this notification states that the award is made "to the City of Wichita for facilities construction for the development of the 21st Street Community Development Corporation". In order to access funds from this grant, it is necessary for the City to submit a grant application for funding.

City staff has prepared an application that is consistent with instructions provided for these funds. The City's application requests that 20 percent of the funds be used for planning, management development and administrative expenses and 80 percent of the funds be used for acquisition and rehabilitation expenses.

A total of \$65,472 (20%) will be utilized to contract with WSU to facilitate development of the 21st Street Community Development Corporation as approved by the City Council on March 8, 2005. The balance of the grant funds totaling \$261,888 (80%) will be used to acquire, construct or rehabilitate a facility to provide a venue for the 21st Street Community Development Corporation. No EDI grant funds can be used for program operations or operating costs of the CDC.

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The Consolidated Appropriations Act of 2005 was signed into law by President Bush on December 8, 2004, and provides the Department of Housing and Urban Development with Economic Development Initiative (EDI) funds for certain projects. This project was included.

Motion--  
--carried

Mayans moved that the HUD Economic Development Initiative (EDI) grant application be approved and the necessary signatures authorized. Motion carried 7 to 0.

## VOCA GRANT

### 2006 VICTIMS OF CRIME ACT, (VOCA) GRANT.

Agenda Report No. 05-0733

The Federal Victims of Crime Act (VOCA) Crime Victim Assistance grant program is administered by the Kansas Governor's Federal Grants Program. In 2001, the City Council approved the initial grant application for VOCA funding, which established a Victim Assistance Unit (VAU) in the Police Department, staffed by two civilian employees. These employees are responsible for providing direct victim assistance and coordination with established community resources. The Police Department's VAU staff work closely with several victim services agencies, including the Wichita Area Sexual Assault Center, YWCA Women's Crisis Shelter, Catholic Charities, U.S. Attorney's Victim Assistance Office, District Attorney's Victim/Witness staff, and Assistant District Attorneys.

The VAU is responsible for facilitating a coordinated response to the needs of crime victims, developing and implementing training programs (internally and externally), and administering a contingency fund to meet the emergency needs of crime victims. Victim assistance is focused on the primary and secondary victims of violent crime, including death cases and elderly burglary victims. The VAU has been instrumental in working with the Wichita Police Department's violent crimes and burglary sections to assist victims with restoring stability to their lives, and aiding in the reduction of secondary victimization. The efforts of the VAU, in conjunction with other Police Department personnel, has enhanced service to victims of crime and has established trust and open communication within the community.

The grant application seeks funding for the continuation of the Victim Assistance Unit for federal FY 2006, beginning October 1, 2005 through September 30, 2006. The total budget request is \$141,019; 80% (\$112,815) to be provided by VOCA funding and a 20% (\$28,204) local match requirement, which can be funded from anticipated under expenditures in the Police Department budget or General Fund reserves.

The City Council has the authority to submit and receive the grant.

Motion--  
--carried

Mayans moved that the grant application be approved; the necessary signatures authorized and any necessary budget transfers approved. Motion carried 7 to 0.



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## UNFINISHED BUSINESS

CON2005-11

**CON2005-11-CONDITIONAL USE TO PERMIT A WRECKING/SALVAGE YARD ON  
PROPERTY ZONED GENERAL INDUSTRIAL AND LOCATED NORTH OF 29TH STREET  
NORTH AND WEST OF OHIO. (DISTRICT VI)  
(DEFERRED JULY 19, 2005)**

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0734

MAPC Recommendations: Deny, vote (8-5).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB VI Recommendations: Approve, subject to conditions, vote (3-1).

The applicant is requesting a Conditional Use to permit a wrecking/salvage yard on a 16.5 acre platted tract located north of 29th Street North and west of Ohio. The subject property is zoned "GI" General Industrial, and a wrecking/salvage yard may be permitted by a Conditional Use in the "GI" district.

The applicant submitted the statement and site plan that describe and illustrate the proposed use of the subject property. The applicant indicates that the subject property will be used for processing and recycling metallic scrap materials. The materials primarily will be surplus industrial machinery that is too large to be sent directly to scrap metal buyers. The materials will be cut up and sorted for shipping via rail and truck to scrap metal buyers.

The surrounding area is characterized by heavy industry. All of the properties surrounding the subject property are zoned "GI" General Industrial. Most of the immediately surrounding property is undeveloped, except for soccer fields located to the north, a grain elevator located to the west, and an office/warehouse located to the southeast.

At the DAB meeting on April 20, 2005, several surrounding property owners spoke in opposition to the request and cited concerns that the request was not in keeping with the character of the neighborhood, would be a visual blight on the area and should be located in area where salvage is already an established use. The DAB voted (3-1) to recommend approval of the request subject to the conditions and based on the findings stated in the staff report contained in the excerpt minutes. At the MAPC meeting on April 28, 2005, surrounding property owners again spoke in opposition to the requested, cited the same concerns as expressed at the DAB meeting and presented the photographs to support their claims. The MAPC voted (8-5) to deny the request. The MAPC based the denial on findings that area has undergone significant revitalization efforts which have resulted in significant new investment in high-quality industrial uses, and the proposed use is incompatible with these efforts and surrounding land uses and would negatively impact surrounding properties. The MAPC also found that the proposed use is inconsistent with the recently adopted 21st Street North Corridor Revitalization Plan, which indicates that the subject property is most appropriate for light industrial/flex use with high design/aesthetic requirements and is across the street from a special opportunity area that is intended to specifically exclude heavy industrial uses. On May 12, 2005, the applicant appealed the MAPC decision to deny the request; therefore, City Council consideration of the request is required. Protest petitions from three surrounding properties have been received; however, the properties are located just outside the official protest area.

At the MAPC hearing and in a letter, an attorney for one of the opposing property owners indicated that it is his opinion that the request cannot be approved unless the MAPC finds that the request will not adversely impact the character of the neighborhood. It is the opinion of the Law Department that the City Council has the authority to hear the appeal and to either approve or deny the request under the procedural requirements of the Unified Zoning Code.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Fearey moved to defer this item for six months. Motion carried 7 to 0.

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## MORATORIUM

**EXTEND MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR AN ISSUANCE OF LAND USE, BUILDING AND DEVELOPMENT PERMITS AND BUSINESS LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS AND DIRECTING THAT FURTHER STUDY BE CONDUCTED ON THE REGULATION OF SUCH USES.**  
(CONTINUED FROM JULY 26, 2005)

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 05-0735

On February 8, 2005 the City Council approved a six-month moratorium on the acceptance and approval of applications for permitting and licensing sexually oriented businesses. The Council directed staff to fully study the regulation of such businesses and to pursue development of comprehensive ordinances regarding such licensure and regulation. The staff team presented its findings and recommendations to the City Council at the July 26, 2005 City Council Workshop.

Under its police powers to promote the health, safety, morals and welfare of the citizens of this community, the City desires to extend a reasonable moratorium on the processing and approval of permits and licenses for adult entertainment establishments. The extension of the moratorium is to allow time for further review and study to more fully and comprehensively address the regulation of such uses and the potential negative effects these establishments impose upon neighboring properties and on the community as a whole.

The moratorium resolution sets forth the following:

(1) Justification and legal authority for administratively delaying, reviewing and developing comprehensive ordinances regarding sexually oriented businesses; (2) extension of the moratorium to November 15, 2005 for the consideration or approval of any new requests for licenses or permits regarding land use, building and development permits and business licenses for adult entertainment establishments; and (3) direction to the City Manager and Task Team to further pursue development of comprehensive ordinances regarding such licensure and regulation

During the extended moratorium, the staff review team will further: (1) assess the current licensure and regulation of sexually oriented businesses; (2) research and analyze developing law; (3) identify alternative, available means and locations within the City by which the City may accommodate the constitutional uses in a manner that negates the pernicious secondary effects of sexually oriented businesses; (4) actively pursue development of comprehensive ordinances and/or code amendments for adult entertainment establishments, and (5) make recommendations to the City Council concerning any necessary and appropriate legislation and/or code amendments.

There is no financial impact to the City.

The City Council has the legal authority under its police powers to establish and extend a reasonable moratorium on the granting of certain permits and licenses.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the extension of the moratorium to November 15, 2005 be approved. Motion carried 7 to 0.

## RESOLUTION NO. 05-404

A Resolution extending the moratorium on the acceptance of applications for an issuance of land use, building and development permits and business licenses for adult entertainment establishments and directing that further study be conducted on the regulation of such uses, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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## NEW BUSINESS

### **2006 BUDGET**

### **2006 ANNUAL OPERATING BUDGET AND 2005 BUDGET REVISIONS.**

Kelly Carpenter

Director of Finance stated that today is the time and place for public comment on the 2006/2007 Budget. Stated that they can respond to any questions from the Council or public and that on August 9, 2005, the Council will be asked to formally approve the 2006/2007 budget.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Joan Cole

Ms. Cole stated that she is the chairperson of the Arts Council, which was designated by the City Council to serve as the focal point for coordinating the visibility and promotion of cultural arts. Stated that she was also a member of the Arts Task Force, which brought to the Council the request for development of a dedicated funding source for the arts and a funding application process. Stated that in February, Council designated one mill of property tax for cultural arts facilities and programs. Stated that they were asked to create a sub-committee to develop the process and review applications and make recommendations to the Council. Stated that because of the Council's actions, for the first time Wichita joined 46 of the 50 largest U.S. cities. Stated that they believe that the Arts Council and the Cultural Funding Review Committee carried out the Council's charge to the best of their ability. Stated that the Arts Council hopes that the process can begin earlier next year and urged that decisions for future funding be made expeditiously. Stated that they are asking three things: 1) that the Council funds the 2006 budget to the full one mill that was announced this year; 2) that the Council determines a dedicated funding source for cultural arts, institutions and organizations that currently receives City funds or in-kind services, which total almost 2 million dollars; and 3) that the Cultural Funding Committee be designated the body to continue the review and recommendation process in future years.

Katie Linn

Ms. Linn stated that she is the Executive Director of Arts Partners and that their mission is to enhance children's learning by integrating the visual, literary and performing arts into the pre-K through 12 curriculum. Stated that their partners include all of the museums and organizations currently supported by the City of Wichita and that they are one of the tier three organizations, selected by the Cultural Funding Committee to receive a grant from the \$719,000.00, cultural funding process. Urged the Council to stay firm on their commitment to fund grants to Arts Partners and the other worthy organizations in the full amount of \$719,000.00 for 2006 and urged the Council to approve a dedicated funding source to continue the City's support of the many outstanding arts and cultural organizations in Wichita.

Charles Steiner

Mr. Steiner stated that he is the Director of the City's Flagship Cultural Institution, The Wichita Art Museum. Stated that he is here to urge the Council to reinstate the full one mill for the arts in the amount of \$719,000.00 and to establish a future dedicated funding source for the arts, thereby guaranteeing a continuation of the process of supporting the arts in Wichita.

Wayne Bryan

Mr. Bryan stated that he works with Music Theater of Wichita and served on the task force. Stated that the art form that he works in reaches a lot of people and is the highest subscribed arts organization in Kansas and provides about 250 jobs, largely for mid-western young people every summer. Stated that they attract about 70,000 people to come to downtown Wichita every year and their organization buys up to 600 hotel rooms a summer and have season ticket holders who come in from all of the surrounding states to see what they do.

Unidentified speaker

Stated that he is inspired because of the Council's support of the Arts Council and programs. Stated that he is the coordinator for the Wichita Asian Association and was also a member of the task force. Stated that they have been celebrating the Annual Asian Festival without any government, state or federal support and that this October will be their 25<sup>th</sup> Annual Asian Festival. Stated that they have been able to do this because of the community's support and corporate support. Asked the Council to continue to support these organizations.

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- Jay Price Mr. Price stated he directs the public history program at WSU and is a member of the board of trustees at Old Cowtown Museum. Stated that this is a time when we are realizing that the cultural creatives of the society are the ones who are guiding and leading our communities and they pick where they live and develop their abilities based on the amenities in those communities. Stated that they will pick and choose based on the features they find there. Stated that quality of life is very important to them and that the features there are not always self-supporting but are supported by the community both in terms of public funds and in terms of larger communities support and partnerships. Encouraged the continued support that has been provided to them.
- Bob Lancaster Mr. Lancaster stated that he is the Chairman of the Cultural Funding Committee and that they met many hours in developing an application process and once it was developed, they had over 33 applicants. Stated they spent a lot of time reviewing those applications and following that process, they listened to all 33 organizations make presentations to the committee and spent a day deliberating and developing the recommendations that were forwarded to the Council earlier this year. Stated that he believes that the committee and the process that was established by the Wichita Arts Council, is here to insure that the monies that are available to the arts, be put to their best use. Stated that they developed a monitoring activity, should this be an on-going process. Asked on behalf of the Cultural Funding Committee, that the Council reaffirm their commitment to the full mill for 2006 and also consider a dedicated amount for 2007 and subsequent years.
- Mayor Mayans Mayor Mayans stated that he believes that the Council feels the same way as the speakers do regarding support of the arts and cultural resources and that they are going to be supportive of restoring the funding and also finding a future funding source. Stated that he plans to bring an amendment to the budget prior to approval for the car rental tax. Stated that it is his hope that the recommendations that the committee made will be supported by the Council because he thinks it would give the committee more credibility.
- Council Member Skelton Council Member Skelton stated that he has concerns about the priorities of the City Government but is supportive of the arts. Stated that the City is in need of three fire stations and he thinks that this issue should be ironed out first and then look at the arts funding. Stated that he understands that the arts are important for this community and values them but that his concern is the fire stations for his district and some of the other districts and when this issue is resolved then he will have further support for the arts.
- Council Member Martz Council Member Martz stated that a point of clarification and for the record, the comment has been made several times, which implied \$719,000.00 and the actual funding is closer to \$2.6 million dollars and that the \$719,000.00 is additional funding over what we are currently doing.
- Council Member Schlapp Council Member Schlapp stated that one of the things that she feels is important is that the arts is very important for the quality of life. Stated that each one of you fights very hard to have funding for your own organizations but also understands the power in numbers. Stated that she would like to issue the challenge as a group to take the fact that we as a City are supporting you, and you as a group have come together and if you can use this as some way for them to find a committee to go out and find more money on your own. Stated that it is not something that the City needs to be continuing to support and it is very important to come together and set up a way that they can go to grant committees and have more power as a group then as one. Issued the challenge to come together and spend some time figuring out how their power as a group and that fact that the City supports them, and find other ways for support, so that we can find ways not just through ways of taxation and through City giving.
- Council Member Brewer Council Member Brewer stated he thinks the arts are equally important to tourism and for the welfare of our City. Stated that it has been a difficult time through the budgeting process and we need to look at a permanent way to fix this and not look at it as a band-aide fix. Stated that he knows that the committee had 75 different groups apply for the funding and know that was difficult for the committee to make that decision, but if it was 75 this year he can guarantee it will be 150 next year and thinks that it is very important and that the arts are developing as the City is growing and maturing. It is going to require all of us including you to find some type of way for us to be able to fund all of the arts. Stated that this is just a start and the door is open and thinks that we are headed in the right direction as the City continues to grow.

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Council Member Fearey Council Member Fearey stated that she is anxious to visit with the Mayor about the car rental tax issue and also feels that we need to have a dedicated mill for the arts and that it is imperative for us to do this. Stated that we do not have much to bring young people here and that the one thing we can have is the arts. Stated that she and the Mayor heard at the rotary meeting yesterday that in the next several years, Wichita is going to need a 120,000 more workers than what we can provide at the rate that we are bringing these people into town at this time. Stated that we have got to find a way to keep our young people here and to bring more young people here. Stated that while she thinks public safety is the number one concern of government, it is not going to make any difference if we do not have economic vitality and we cannot have that without workers here. Stated that she thinks our quality of life and the things that we provide for people have to be up front or Wichita's future is in grave danger. Stated that she is supportive of this and very supportive of finding the money so that the arts groups know that the City is a part of all future funding.

Council Member Gray Council Member Gray stated that he continues to support finding a stable funding source that can continue to support the cultural arts aspects of our community. Stated in time we will be able to find a way to do that but that these organizations will have to find a way to work with the City as we work with them in making that goal accomplishable. Stated that he would like to challenge the different groups to come up with some way of monitoring through the year, what we do and what these organizations do with the fundings that we have provided them through this grant process.

Mayor Mayans Mayor Mayans stated that we will now end discussion on this subject and pass over item 25 until the bids have been made.

## **(Item 25, action shown in agenda order)**

### **SEWER UTILITY ADVANCE REFUNDING OF WATER AND SEWER UTILITY REVENUE BONDS, SERIES 2005B.**

Kelly Carpenter Director of Finance reviewed the item.

Agenda Report No. 05-0736

On July 19, 2005, the City Council designated Citigroup to serve as lead underwriter in a negotiated offering of revenue refunding bonds. Since that date, staff has worked to distribute the Preliminary Official Statement and negotiate the details of the sale with the designated lead underwriter.

The plan of financing for the negotiated issue includes the marketing of the 2005B Water and Sewer Utility Revenue Refunding Bonds. Citigroup is acting as the lead underwriter for the bonds that has a current principal amount of \$26,695,000. The marketing of the bonds occurred in Chicago with Citigroup taking orders for bonds from syndicate members and other brokerage houses with offices in Wichita.

The actual savings of \$1,132,036.85 million is equal to an approximate average of \$118,700 in savings per year through 2016.

Bond Counsel has drafted the bond ordinance and resolution needed to execute the issuance of the bonds and has also drawn up the bond purchase agreements for the sale of the bonds to the underwriters as well as the official statement.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the Bond Purchase Agreement be approved; the Bond Ordinance and Resolution adopted and the Mayor authorized to execute the Request for Declaration of Emergency.

--carried Motion carried 7 to 0.

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## RESOLUTION NO. 05-406

A Resolution of the City of Wichita, Kansas, authorizing and providing for the payment by refunding of certain of the city's outstanding Water and Sewer Utility Revenue Bonds, Series 1999; authorizing the call for redemption prior to maturity of such outstanding Series 1999 Bonds; authorizing and providing for the sale and issuance of \$26,695,000 aggregate principal amount of water and sewer utility refunding revenue bonds, series 2005B, for the purpose of providing for the refunding and payment of such outstanding series 1999 bonds; providing for the collection, segregation and application of the revenues of the utility for the purposes authorized by law, and making certain covenants and agreements with respect thereto; and authorizing and providing for the execution and delivery of certain agreements and supporting documents, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## ORDINANCE NO. 46-634

An Ordinance of the City of Wichita, Kansas, authorizing and providing for the payment by refunding of a portion of the city's outstanding Water and Sewer Utility Revenue Bonds, Series 1999; authorizing the call for redemption prior to maturity of certain outstanding Series 1999 Bonds; authorizing and providing for the sale and issuance of \$26,695,000 aggregate principal amount of water and sewer utility refunding revenue bonds, series 2005b, for the purpose of providing for the refunding and payment of such outstanding series 1999 bonds; making certain covenants and agreements with respect thereto; and authorizing and providing for the execution and delivery of certain agreements and supporting documents. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

### FIRST FLOOR

### CITY HALL FIRST FLOOR REMODEL. (DISTRICT VI)

Chris Carrier

Director of Public Works reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 05-0737

In 1998, the City undertook a multi-year plan to renovate City Hall. The first part of this plan was the Council Chamber remodeling.

On August 1, 2000, the City Council approved a Contract with Schaefer Johnson Cox Frey & Associates (SJCF) to provide a conceptual design to update the first floor of City Hall and the exterior plaza around the building.

With security becoming more of a concern following September 11, 2001, Council at their September 6, 2003 meeting approved a contract with SJCF to design security enhancements to the City Hall campus including landscaping features and security for the vehicle tunnel.

On September 21, 2004, the City Council approved a contract with SJCF to design security enhancements to the City Hall campus to include modifications to the surface parking lots and garage and a redesign of the atrium.

On May 24, 2005, the City Council approved a contract with SJCF to design the replacement and relocation of the existing emergency generator equipment at City Hall.

Planning for the renovation of the City Hall first floor was given a good deal of attention several years ago when numerous schemes were investigated. A preferred scheme has been identified and would enlarge the Council offices, relocate and expand the Boardroom and move City Hall Express to the north area of first floor.

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A contract amendment has been negotiated with SJCF to complete the architectural and engineering design services for the 1st floor remodeling. The fee for this work will not exceed \$145,300.

The proposed 2005-2014 Capital Improvement Program (CIP) includes \$145,300 for design and \$1,804,700 for construction in 2007 for a total of \$1,950,000 (Project No. 435407, OCA No. 792459). Staff recommends that this project be authorized now so that design and construction can proceed as soon as possible.

The Law Department has approved the Resolution and Contract as to form.

(Council Member Schlapp momentarily absent)

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Cybil Strum Ms. Strum asked if we would have to pay more taxes.

Mayor Mayans Mayor Mayans stated no.

Motion-- Fearey moved that the project be approved; the Resolution adopted; the contract approved and the necessary signatures authorized.

Council Member Skelton Council Member Skelton stated that he has not seen any alternatives that could be a lower cost and is not sure if we need to remodel the Council office or boardroom to provide building security. Stated that he would prefer to defer this until a later time until he could review this a little more. Stated that there are other things that we have not resolved yet as a Council and one of his primary concerns is the fire station issue in the three districts that need one and would like to make sure that that funding would be available before we put 1.9 million dollars into a first floor City Hall remodel. Stated that he is not sure that building security could be provided at a lower cost and is for the security portion of this proposal but not sure that all of this is required. Stated that he will not be supporting this today.

Council Member Schlapp Council Member Schlapp stated that she just came back from Washington, D.C. and every meeting that she attended, she had to go through some kind of security and people are used to it and understand it and knew that they were going to be safe when they went into the building. Stated that she feels it is where we are today and that we owe it to our citizens to give them the ability to come to a building where they can feel safe when they get here. Stated that she does not happen to have a Neighborhood City Hall and a lot of her meetings take place within the Council office and sometimes that is not the best place to meet. Stated that she feels that security is critical and it is not for us but for everybody else and when they come here they need to feel that they have a place to sit down and have a conversation and have two or three people in a room at the same time. Stated that considering all of the things that are going on in the City, this is of vital importance and that she is going to support it.

Council Member Brewer Council Member Brewer stated that we need to recognize the fact that we are not in the 1950's or 1960's anymore and ever since 9/11 everything has changed throughout the entire world. Stated that all of the Council Members have traveled throughout the United States and have seen what other cities have done. Stated that we have a very talented staff that handled situations here and reacted and responded and were able to deal with those situations. Stated that there is a real need for public safety, because our society has changed so much and we owe it to the employees here at City Hall to ensure them that they are working in a safe environment. Stated it is important to make some positive improvements and that is changing the way we have security and need to go ahead and do some things that make plain, simple, common sense and that he will be supporting this.

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Council Member Martz Council Member Martz stated that he is disappointed that this did not happen several years ago and thinks that we are behind times by a number of years of getting this done. Stated that he also does not have a Neighborhood City Hall and it is a place that he likes to have people come in and talk to him but that his facilities are very limited and thinks that the remodeling needs to be done so that we can be in the 21<sup>st</sup> century. Stated that as far as fire stations go, yes we need them and there is a plan that we are in the process of implementing right now and does not believe that this is the article to get into that discussion. Stated that the fire stations are another issue that we need to approach at that time and that this particular issue has been in the CIP for some time and needs to be brought to fruition and now is the time to do it and he will be very supportive of this issue.

Council Member Skelton Council Member Skelton stated that he appreciates everybody's comments and understands their perspectives and hopes that they understand his. Stated he is 100% for the security of this building and willing to support the security plan but his concern is that he is not sure if we need a 1.9 million dollar remodel project in conjunction with the plan to address security.

--carried Motion carried 5 to 2, (Nays-Mayans and Skelton).

## RESOLUTION NO. 05-405

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas; setting forth the general nature and the estimated cost of such improvements; and authorizing the issuance of bonds of the City of Wichita, Kansas, to pay all or a portion of the cost thereof, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 2. Brewer, Fearey, Gray, Martz, Schlapp; (Skelton, Mayans, no.)

## **WATERSHED PLAN      WATERSHED PROTECTION PLAN-MEMORANDUM OF UNDERSTANDING.**

Dave Warren Director of Water and Sewer reviewed the item.

(Council Member Martz momentarily absent)

Agenda Report No. 05-0738

On August 24, 1993, the City Council authorized Staff to assist in submitting a grant request with the U.S. Environmental Protection Agency for a watershed improvement grant for the watershed above Cheney Reservoir. As part of that action, the City Council approved the concept of the City assuming part of the cost-share to allow landowners to implement Best Management Practices in the watershed.

On October 3, 2000, City Council approved and authorized Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply Plan that would identify cost-effective water resources to adequately meet Wichita's water supply needs to the year 2050.

As part of the Integrated Local Water Supply Plan, the Little Arkansas River will become an important component of the City's water supply. It will be the source of water for the Equus Beds Aquifer Storage and Recovery project, and the source of water used for the expanded local wellfield. Due to its growing importance, efforts have already begun to identify any water quality problems in the river and the potential solutions.

A task force composed of watershed stakeholders and several governmental agencies has completed a Watershed Restoration and Protection Strategy for the Little Arkansas River. The Watershed Restoration and Protection Strategy (WRAPS) report determined that the watershed covers 1,407 square miles with 208 public water suppliers currently drawing water from the river, or its alluvium. While the report identifies several pollutants of concern in the river, atrazine is of greatest concern to the City. Atrazine is a relatively inexpensive and effective herbicide widely used in corn and sorghum production. The report estimates that atrazine is used on approximately 300,000 acres of cropland in the watershed, or about one-third of the land



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The current drinking water standard for atrazine is three parts-per-billion (3ppb). Unfortunately, water sampling found levels over forty parts-per-billion (40ppb) at times in the river. In order to recharge water from the river into the Equus Beds Aquifer, the water quality must meet drinking water standards, so excess atrazine must be removed. If steps can be taken to reduce, or eliminate, atrazine in the river, the result will be a significant reduction in cost to treat the river water prior to using it to recharge the aquifer.

The WRAPS report recommends a variety of Best Management Practices (BMPs) that can reduce atrazine in the river. The intent of this Memorandum of Understanding (MOU) is to provide an incentive to producers within the watershed to install BMPs and to provide up to 100 percent cost-share reimbursement. Participation in the program is voluntary, but under the MOU producers would be eligible for up to 100 percent reimbursement for approved projects. The State of Kansas Conservation Commission and the City would each provide 50 percent of the funds. For innovative practices not currently covered by the state program, the City would reimburse up to 50 percent of the cost of the improvement, with the remaining costs the responsibility of the producer.

The Little Arkansas Watershed Advisory has been created under the McPherson County Conservation District to review and approve BMPs in the watershed. The watershed advisory will identify a high priority sub-watershed. The goal is to use a targeted, high profile educational program, combined with the enhanced cost-share and incentive payments, to have the producers implement an array of BMPs on nearly all crop fields in the sub-watershed. A monitoring program under Kansas State University Research and Extension will verify the effectiveness of the BMPs. The efforts in the sub-watershed can then be used as an example to landowners in the rest of the watershed.

A number of partners have agreed to assist in this effort. The Kansas Department of Health and Environment has agreed to commit 319 grant funds for the educational efforts, demonstrations, and monitoring; Kansas State University Research and Extension has agreed to assist with water quality monitoring and analysis, BMP implementation and delivery of educational programs; the Natural Resources Conservation Service has agreed to help identify sub-watersheds to study and assist with BMP implementation; and the Kansas State Conservation Commission has committed \$10,000 in funds for cost-share incentives.

The City's maximum share of the costs will not exceed \$10,000 in fiscal year 2006. Funds are available in CIP W-549, Water Supply Projects.

The Law Department has approved the Memorandum of Understanding as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the Memorandum of Understanding with the McPherson County Conservation District be approved and the necessary signatures. Motion carried 7 to 0.

## **PLANNING AGENDA**

Motion--carried

Mayans moved that the Planning Consent items be approved as presented. Motion carried 7 to 0.

**ZON2005-25**

**ZON2005-25-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL. GENERALLY LOCATED NORTH OF MERTON CIRCLE AND WEST OF BAEHR STREET. (DISTRICT IV)**

Agenda Report No. 05-0739

MAPC Recommendations: Approved, subject to staff recommended conditions, vote (10-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Not applicable.

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The applicant requests a zone change from "SF-5" Single-Family Residential to "LI" Limited Industrial on a 0.43-acre platted tract located north of Merton Circle and on the west side of Baehr Street. The subject property is currently developed with a single-family residence. The applicant proposes to develop the property with storage and printing uses.

The surrounding area is characterized primarily by industrial uses; although, there are SF-5 zoned single family residences west and south (across Merton Circle) of the site. Further north of the Baehr and Harry intersection, there are also two remaining single-family residences zoned SF-5. The properties to the north and east are zoned "LI" Limited Industrial and developed with warehousing and printing uses.

Because property to the west is zoned residential, screening will be required along that property line. The compatibility setback standards will require a 25-foot building setback along the north property line unless a Zoning Adjustment is granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback. Because the property to the west is zoned residential, a landscape buffer will be required when the site is developed; a landscape plan will require approval by the Planning Department.

The Metropolitan Area Planning Commission (MAPC) recommended approval subject to staff recommended dedication of five feet of right-of-way on Baehr and dedication of complete access control on Merton Circle. No neighboring property owners were present to speak about the case, and no protests have been received.

Motion--

Mayans moved that the findings of the MAPC be adopted; the zone change subject to the recommended dedications approved; and the Planning Department be instructed to forward the ordinance for first reading when the dedications have been recorded with the register of Deeds. Motion carried 7 to 0.

-- carried

**S/D 97-34**

**S/D 97-34-PLAT OF RESTHAVEN GARDEN OF MEMORY ADDITION, LOCATED ON THE NORTHEAST CORNER OF KELLOGG AND 119TH STREET WEST. (DISTRICT V)**

Agenda Report No. 05-0740

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This unplatted site, consisting of one (1) lot on 113.3 acres, is located within Wichita's city limits and is zoned SF-5 and SF-20, Single-family Residential District, and LI, Limited Industrial District. This site was approved for a Conditional Use (CU-123) as a cemetery in 1970. Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion--

Mayans moved that the plat be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

**SUB2005-54**

**SUB2005-54-PLAT OF KRUG NORTH SECOND ADDITION, LOCATED NORTH OF 21ST STREET NORTH AND ON THE WEST SIDE OF 143RD STREET EAST. (DISTRICT II)**

Agenda Report No. 05-0741

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 141 lots on 60.88 acres, is located within Wichita's city limits and is zoned SF-5, Single-family Residential District. This site is a replat of the northern portion of Krug North Addition.

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Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving, drainage, left-turn lane and accel/decel lane improvements. A Restrictive Covenant was submitted to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. For those reserves being platted for drainage purposes, a Restrictive Covenant was submitted to create a lot owners' association to provide for the ownership and maintenance of the proposed reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

## RESOLUTION NO. 05-392

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89935 (north of 21<sup>st</sup>, west of 143<sup>rd</sup> street east) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-393

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-900995 (north of 21<sup>st</sup>, west of 143<sup>rd</sup> street east) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-394

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90096 (north of 21<sup>st</sup>, west of 143<sup>rd</sup> street east) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-395

Resolution of findings of advisability and Resolution authorizing construction Lateral 366, Four Mile Creek Sewer (north of 21<sup>st</sup> street north, west of 143<sup>rd</sup> street east) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-396

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain Number 228 (north of 21<sup>st</sup>, west of 143<sup>rd</sup> street east) 468-83793 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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## RESOLUTION NO. 05-397

Resolution of findings of advisability and Resolution authorizing construction of Lateral 378, Four Mile Creek Sewer (north of 21<sup>st</sup>, west of 143<sup>rd</sup> street east) 468-84054 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-398

Resolution of findings of advisability and Resolution authorizing construction of Lateral 379, Four Mile Creek Sewer (north of 21<sup>st</sup>, west of 143<sup>rd</sup> street east) 468-84055, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-399

Resolution of findings of advisability and Resolution authorizing constructing pavement on Castle Rock from the south line of Lot 3, Block C, Krug North Addition north to the south line of Lot 14, Block c, Krug North 2nd Addition; on Burning Tree from the north line of Lot 16, Block A, Krug North Addition to Castle Rock; on Ayesbury and Camden Chase Court including the cul-de-sac; on Camden Chase from the west line of the plat to Ayesbury and that there be constructed pavement on Ayesbury Circle from the east line of Castle Rock to and including the cul-de-sac and that sidewalk be constructed along one side of Castle Rock, Burning Tree, Camden Chase, and Ayesbury (north of 21<sup>st</sup>, west of 143<sup>rd</sup> street east) 472-83974 , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-400

Resolution of findings of advisability and Resolution authorizing constructing pavement on Castle Rock and 24<sup>th</sup> street north from the north line of Lot 30, Block A, to the east line of Mainsgate; on Spring Hollow street from the west line of Castle Rock, north to the south line of Mainsgate; on Mainsgate and Mainsgate Circle from 24<sup>th</sup> street north to and including the cul-de-sac and that sidewalk be constructed along one side of Castle Rock, Mainsgate, 24<sup>th</sup> street north, and Spring Hollow street (north of 21<sup>st</sup> west of 143<sup>rd</sup> street east) 472-84249 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-401

Resolution of findings of advisability and Resolution authorizing constructing pavement on 24<sup>th</sup> street north from the east line of Mainsgate east to the east line of the plat; and on Quincy Circle from the north line of 24<sup>th</sup> street north, north to and including the cul-de-sac and on 24<sup>th</sup> court north, south to and including the cul-de-sac; on North Springdale Circle from the north line of 24<sup>th</sup> street north, north to and including the cul-de-sac; and on North Springdale Circle from the south line of 24<sup>th</sup> street north, south to and including the cul-de-sac and that sidewalk be constructed along one side of 24<sup>th</sup> street north (north of 21<sup>st</sup>, west of 143<sup>rd</sup> street east) 472-84250 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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**DED2005-18**

**DED2005-18-DEDICATION OF A UTILITY EASEMENT, LOCATED WEST OF WEST STREET AND NORTH OF MAPLE. (DISTRICT IV)**

Agenda Report No. 05-0742

MAPC Recommendation: Accept the Dedication. (12-0)

This dedication is associated with a lot split case (SUB 2005-60). The Dedication is for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

**DED2005-19**

**DED2005-19-DEDICATION OF A DRAINAGE AND UTILITY EASEMENT, LOCATED EAST OF ROCK ROAD AND SOUTH OF PAWNEE. (DISTRICT II)**

Agenda Report No. 05-0743

MAPC Recommendation: Accept the Dedication. (12-0)

This dedication is associated with a lot split case (SUB 2005-21). The Dedication is for drainage improvements and construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

**CITY COUNCIL**

**BOARD APPTS.**

**BOARD APPOINTMENTS.**

Mayor Mayans

Mayor Mayans stated that Mary K. Vaughn, Housing Service Director has requested to reappoint the following people to the Housing Advisory Board: Wess Galyon, Gary Schmitt, Trista Curzydlo, Alan Huffman, Tony Rangel, Rob Snyder, Rev. Deann Smith, Dan Jones, Lenny Diaz and Stephanie McFarlin.

Mayor Mayans

Mayor Mayans stated as recommended by the Wichita Downtown Development Corporation for the SSMID Advisory Board, the following people be appointed: Clay Bastian, Dave Burk, Dale Maltbie, Joe Johnson, and Lyndon Wells.

Mayor Mayans

Mayor Mayas stated that he would like to reappoint on behalf of Commissioner Tim Norton, his nomination to the Wichita Airport Advisory Board, which is Bill Calloway; to reappoint on behalf of Commissioner Ben Sciortino's nomination to the Wichita Airport Advisory Board, Dion Avello and on behalf of Commissioner Lucy Bartnett's nomination to the Wichita Airport Advisory Board, Jeffrey St. Clair.

Motion--carried

Mayans moved to approve the appointments. Motion carried 7 to 0.

Council Member Gray

Council Member Gray requested to reappoint Harold Warner to the Metropolitan Area Planning Commission and appoint Roger Woods to the Library Board.

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Council Member Fearey Council Member Fearey requested to appoint Garrett Harmon as a youth member for DAB VI and Charlie Claycomb and Carol Skaff as alternates for DAB VI.

Council Member Skelton Council Member Skelton requested to appoint Carol Webb to Sister Cities Board.

Council Member Martz Council Member Martz requested to appoint Tony Thomas to the Wichita Employees Retirement Board.

Motion--carried Mayans moved to approve the appointments. Motion carried 7 to 0.

George Kolb City Manager stated that regarding item 25. Advance Refunding of Water and Sewer Utility Revenue Bonds, Series 2005B, the bids will not be in until after 11:15 a.m. Stated that he recommends to go into Executive Session and they should be ready when we come out and not to adjourn the regular meeting until then.

## EXECUTIVE SESSION

Motion-- Mayans moved that the City Council recess into Executive Session at 10:55 a.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice and preliminary discussions relating to the acquisition of real property for public purposes and that the Council return from Executive Session no earlier than 11:15 a.m. and reconvene in the City Council Chambers of City Hall. Motion carried 7 to 0.

--carried

## RECONVENE

The Council reconvened in the Council Chambers at 11:19 a.m. Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved at 11:19 a.m. to close the Executive Session. Motion carried 7 to 0.

## REVENUE BONDS

### ADVANCE REFUNDING OF WATER AND SEWER UTILITY REVENUE BONDS, SERIES 2005B.

(Action on the item is shown in agenda order)

Motion--carried Mayans moved at 11:35 a.m. to adjourn the regular meeting. Motion carried 7 to 0.

## ADJOURNMENT

The City Council meeting adjourned at 11:35 a.m.

Respectfully submitted,

Karen Sublett  
City Clerk

\*\*\*Workshop followed in the first floor boardroom\*\*\*